IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No.11 and 12-C of 2007 and
RSA NO.2 of 2007(O&M)

DATE OF DECISION: January 8, 2007

Dharampal and others

….Appellants.

VERSUS

Chain Singh and another

….

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL

PRESENT: Shri Sandeep Arora, Advocate for the appellants.

Viney Mittal,J.(Oral).

For the reasons stated in the application, delay in filing and refiling the appeal is condoned.

The plaintiff has concurrently lost before the two Courts below in a suit for permanent injunction. He sought permanent injunction against the defendants for restraining them from interfering into the land of the plaintiff marked as ABCD and not to encroach upon and demolish tube-well room, water tank and khal shown as FGE & C forcibly which according to the plaintiff were situated in khasra No.15 and killa No.17.

Both the Courts below, on the basis of evidence available on the record, have given findings of fact that the aforesaid tube-well, water tank and kotha etc. were situated in khasra no.18/1 which admittedly did not belong to the plaintiff and was the

ownership and possession of Chain Singh, defendant No.1. On the basis of the

aforesaid findings, the suit filed by the plaintiff was dismissed by the trial Court and the appeal filed by him also failed before the Appellate Court.

The learned counsel appearing for the plaintiff-appellants has contended that the findings recorded by the two Courts below were not correct, inasmuch as, the tube-well, kotha and water tank etc. were clearly proved to be in khasra No.15 of rectangle No.17. However, nothing has been pointed out as to how the findings recorded by the two Courts below are contrary to the record.

In view of the positive findings of fact recorded by the Courts below and also keeping in view the fact that no substantial question of law in the present appeal arises, I do not find any justification to interfere in the present appeal.

Dismissed.

January 8, 2007 (Viney Mittal)
KD Judge